

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ACCESS 4 ALL, INC., a Not-for-Profit
Corporation, and FELIX ESPOSITO,
Individually,

Plaintiffs,

v.

47 HUNTINGTON AVENUE, a
Massachusetts Limited Liability Company

Defendant.

Case Number:1:04-CV-12231-NG

[PROPOSED] JOINT SCHEDULING STATEMENT
PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(d), the parties submit the following joint statement in connection with the Scheduling Conference to be held on April 11, 2005:

1. **Matters to be Discussed at Conference.** The parties will appear prepared to discuss the following issues:

- a. A proposed pre-trial schedule for the case that includes the plan for discovery and deadlines;
- b. Anticipated dispositive and pre-trial motions;
- c. Alternative Dispute Resolution; and
- d. Settlement.

2. **Procedural Motions and other Pending Matters.** There are no pending motions currently before the Court.

3. **Schedule for Discovery.** The parties have agreed on the following discovery schedule:

Date of Scheduling Conference	April 11, 2005
Proposed beginning of Trial Term app.	September 23, 2005
<u>Events</u>	<u>Date</u>
Cut-off date for Fed.R.Civ.P. 26(f) Conference:	March 21, 2005
Plaintiff and Defendant complete Initial Disclosures:	March 12, 2005
Joint Statement Submitted by the Parties by:	April 6, 2005
Cut-off date for amendments to the pleadings:	May 31, 2005
Commencement of Limited Discovery Period:	April 16, 2005
Cut-off filing motions not specially limited by rules:	May 11, 2005
Cut-off Disclosure of Expert Reports:	
By Plaintiff:	May 31, 2005
By Defendant:	June 10, 2005
Cut-off of Discovery:	June 20, 2005
Cut-Off Motions to Compel:	August 24, 2005
Cut-off Other Limited Motions:	September 3, 2005
Settlement Conference after Discovery:	September 3, 2005
Cut-off Summary Judgment Motions:	September 13, 2005
Submission of Proposed Pretrial Order:	September 23, 2005
Cut-off Dispositive Daubert and Markman Motions:	August 24, 2005
Cut-Off Submission of Joint Final Pretrial Statement:	September 8, 2005
Cut-off Motions in Limine and Trial Briefs:	September 13, 2005
Final Pretrial Conference cut-off:	August 29, 2005
Proposed beginning of Trial Term:	September 23, 2005

4. **Discovery Limits.** The parties have agreed that discovery be conducted pursuant to the limits set forth in Local Rule 26.1(C). The parties have further agreed that all discovery requests must be propounded no later than 33 days prior to the close of

discovery. Each party shall reserve its or his right to seek by motion additional discovery, with good cause shown.

5. **Settlement.** The parties have agreed that settlement is likely, but do not at this time request a settlement conference before a Magistrate Judge.

6. **Trial by Magistrate Judge.** At this time, the parties are not prepared to consent to trial by a Magistrate Judge.

7. **Budget and Alternative Dispute Resolution.** Counsel for the parties have conferred with their respective clients concerning establishing a budget for litigation and the use of Alternative Dispute Resolution. The parties are willing to participate in mediation in an attempt to resolve this matter and have agreed on, or will attempt to agree upon, a mutually acceptable mediator. The Local Rule 16.1(D)(3) certifications will be filed on or before the April 11, 2004 hearing.

8. **Modification of Schedule.** All dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion of the Court for good cause shown.

Date: On this 4 day of April, 2005

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